REMARKS

Claims 17 and 19 to 32 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is therefore respectfully requested.

Claims 17 and 19 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0228366 ("Fuehrer") in view of Rahl Shah & Xuanming Dong, An Introduction to TTCAN, EE2900 Class Discussion, March 7, 2002, pages 17 to 35 ("Shah").

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 17 relates to a method for exchanging messages containing data between at least two stations over a bus system, the method including repeatedly transmitting over the bus system, by a first station, a reference message containing time information of the first station at at least one specifiable time interval, the time interval being subdivided as a basic cycle into time windows, *a pause period of variable duration being provided at an end of at least one basic cycle*, transmitting messages containing data in at least some of the time windows, and *adapting the duration of the pause period to change a time of a start of a next basic cycle, in which the time of the start of the next basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period.*

According to the presently claimed subject matter, several basic cycles and a pause period at the end of at least one basic cycle are provided. Since the pause period is not intended for data transfer in the basic cycle, it is therefore located at the end of the basic

cycle. With such a pause period, it is possible to shift the start of the next/following basic cycle in the messaging to overcome timing problems in the messaging.

It is respectfully submitted that the Fuehrer and Shah references, either alone or combined, do not disclose or suggest these features of the presently claimed subject matter. Indeed, the Office Action admits that the Fuehrer reference does not disclose or suggest the feature of repeatedly transmitting over the bus system of a reference message containing time information of the first station and the division of this information as a basic cycle into time windows, as provided for in the context of claim 17. More importantly, the Fuehrer reference does not disclose nor suggest the feature of the time gap or pause period of variable duration at the end of at least one basic cycle, as in claim 17.

Likewise, the Shah reference also does not disclose or suggest the feature of a pause period at the end of a basic cycle, as with the claimed subject matter. Instead, the Shah reference refers on page 9 to a message frame and labels the spaces before and after the message frame with the words "bus idle." First, this message frame is not a basic cycle. It is a single message frame transmitted in a Controller Area Network with no time triggering. The spaces before and after the message frame are labeled "bus idle" because at the time before and after the message frame is transmitted, the bus is idle.

In contrast, the presently claimed subject matter provides for repeatedly transmitting over a bus system a reference message at at least one specifiable time interval, the time interval being subdivided as a basic cycle into time windows. A pause period of variable duration is provided at the end of at least one basic cycle to overcome timing problems in the messaging.

Even if the bus system referred to by the Shah reference is idle before and after transmission of the message, this simply does not in any way disclose or suggest the feature of *a pause period of variable duration being provided at an end of at least one basic cycle.* Furthermore, the Shah reference also does not disclose or suggest the feature of *adapting the duration of the pause period to change a time of a start of a next basic cycle.*

The Office Action asserts that the "bus idle time slice is variable", *but the Shah reference does not disclose or suggest adapting the duration of a pause period to change a time of a start of a next basic cycle.* That is, the message frame illustrated on page 9 does not represent a basic cycle and the time that the bus is idle before and after the message frame does not represent a pause period.

Furthermore, claim 17 includes the feature in which *the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period.* The Office Action asserts that Fuehrer discloses this feature, conclusorily asserting that: "Figures 2a-c illustrate the framing of the communication stream that comprises two variable, dynamic segments, such as 231 and 241. Said segments comprise a pause period as it is after the end of data frame, page 3, paragraph 0028."

In this regard, the Office Action admits that the Fuehrer reference does not disclose the feature of repeatedly transmitting over the bus system of a reference message containing time information of the first station at at least one specifiable time interval, the time interval being subdivided as a basic cycle into time windows, a pause period of variable duration being provided at an end of at least one basic cycle. Accordingly, as recognized in the Office Action, the Fuehrer reference does not disclose or suggest a basic cycle. Therefore, the Fuehrer reference cannot disclose or suggest the feature of correcting the time of the start of the basic cycle by one of lengthening and shortening the duration of at least one pause period.

Still further, blocks 231 and 241 do not correct timing and are not pause periods. Block 231 contains a security sequence, the security sequence being variable in length. The length of block 231 cannot correct the time of the next basic cycle because there are no basic cycles. Further, block 231 is not a pause period at all, but instead a period where a security sequence is fulfilled. Block 241 contains a second identifier and is likewise not a pause period, nor is it of a variable length. For at least the above reasons, the Fuehrer reference does not disclose or suggest the feature of the time of the start of the basic cycle is corrected by one of lengthening and shortening the duration of at least one pause period.

In view of the foregoing, it is respectfully submitted that even if the Fuehrer and Shah references are combined (the properness of which is not conceded) it does not render unpatentable claim 17, as presented, so that claim 17 is allowable.

Claims 19 to 30 depend from claim 17, as presented, and are therefore allowable for the same reasons as claim 17, as presented.

Claims 31 and 32, as presented, include features like those of claim 17, as presented, and are therefore allowable for essentially the same reasons as claim 17, as presented.

Accordingly, claims 17 and 19 to 32 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all pending claims 17 and 19 to 32 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
KENYON & KENYON LLP

Dated: 1/2/2008 By: G A Messina (Reg No. 33,865 Aaron C Deo 17CH)

Gerard A. Messina
Reg. No. 35,952
One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646